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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. 11-CR-00939-RS
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING THE CASE
v.)	AND EXCLUDING TIME
)	
CRAIG ALLEN OGANS,)	
a/k/a Byron Stuart Baker,)	
)	
Defendant.)	

WHEREAS, on December 23, 2011, the United States produced documents and other materials to counsel for the defendant;

WHEREAS, on May 1, 2012, the United States filed a superseding indictment adding charges in this case;

WHEREAS, on May 8, 2012, the United States produced documents and other materials to counsel for the defendant;

WHEREAS, on June 25, 2012, the Superior Court of the State of California issued an order unsealing the affidavits supporting the search warrants in the parallel state prosecution and the United States Attorney's Office, in reliance thereon, produced the underlying search warrant

STIPULATION AND ~~PROPOSED~~ ORDER EXCLUDING TIME
*United States v. Ogan*s, Case No. 11-CR-00939-RS

1 affidavits to counsel for the defendant, as requested;

2 WHEREAS, counsel for the defendant needs time to review the new discovery;

3 WHEREAS, counsel for the government will be unavailable from July 9, 2012 to August
4 6, 2012; and counsel for the defendant is not available from July 8, 2012 to July 21, 2012 and
5 August 6, 2012 to August 17, 2012.

6 WHEREAS, the parties agree to the following briefing schedule for any motion to
7 suppress evidence based on the searches conducted by the San Francisco Police Department:
8 Defendant's brief in support of its motion to suppress shall be due on July 31, 2012; the
9 government's response shall be due on August 14, 2012; the defendant's reply, if any, shall be
10 due on August 21, 2012; and the Court shall rule on any motions to suppress on September 4,
11 2012 and otherwise set the case for trial or change of plea.

12 WHEREAS, a failure to grant the continuance would deny defense counsel the reasonable
13 time necessary for effective preparation, taking into account the exercise of due diligence, and
14 under the circumstances, the ends of justice served by a reasonable continuance outweigh the
15 best interest of the public and the defendant in a speedy trial;

16 WHEREAS, defendant CRAIG ALLEN OGANS consents to the exclusion of time from
17 June 26, 2012 to September 4, 2012;

18 THEREFORE, it is hereby stipulated by and between the parties, through their respective
19 counsel of record, that the case should be continued from June 26, 2012 to September 4, 2012;
20 and the period of time from June 26, 2012 to September 4, 2012 shall be excluded in computing
21 the time within which the trial of the offenses alleged in the Indictment must commence under
22 Title 18, United States Code, Section 3161.

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28 STIPULATION AND ~~[PROPOSED]~~ ORDER EXCLUDING TIME
United States v. Ogans, Case No. 11-CR-00939-RS

1 DATED: June 25, 2012

MELINDA HAAG
United States Attorney

2 /s/
3

4 Adam A. Reeves
5 Assistant United States Attorney

6 DATED: June 25, 2012

7 /s/
8

9 Richard A. Tamor, Esq.
10 Tamor & Tamor
11 Counsel to Craig Allen Ogans

12 **[PROPOSED] ORDER EXCLUDING TIME**

13 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

14 The parties shall adhere to the following briefing schedule for any motion to suppress
15 evidence based on the searches conducted by the San Francisco Police Department: Defendant's
16 brief in support of its motion to suppress shall be due on July 31, 2012; the government's
17 response shall be due on August 14, 2012; and the defendant's reply, if any, shall be due on
18 August 21, 2012. On September 4, 2012, the Court shall hear argument or otherwise rule on any
19 motions to suppress and schedule the case for trial or change of plea. The ends of justice are
20 served by finding that a continuance from June 26, 2012 to September 4, 2012 outweighs the best
21 interests of the public and the defendant in a speedy trial and the prompt disposition of criminal
22 cases and the Court concludes that the exclusion of time from June 26, 2012 to September 4,
23 2012 should be made under Title 18, United States Code, Sections 3161(h)(7)(B)(iv).

24 DATED: 6/26/12

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27 HON. RICHARD SEEBORG
28 United States District Judge

STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME
United States v. Ogans, Case No. 11-CR-00939-RS